

# STATE OF NEW YORK

5044--B

2021-2022 Regular Sessions

## IN ASSEMBLY

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Introduced by M. of A. SOLAGES, SANTABARBARA, MONTESANO, HUNTER, GRIF-FIN, EPSTEIN, FAHY, CLARK, GUNTHER, AUBRY, KELLES, NORRIS, DeSTEFANO, BRABENEC -- Multi-Sponsored by -- M. of A. BRONSON, STECK -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the licensure of athletic trainers; and to amend the social services law, in relation to adding athletic trainers to the list of persons and officials required to report cases of suspected child abuse or maltreatment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 8351 of the education law, as amended by chapter 658 of the laws of 1993, is amended to read as follows:

§ 8351. Definition of the practice of athletic training. [~~As used in this article~~

~~"athletic trainer" means any person who is duly certified in accordance with this article to perform athletic training under the supervision of a physician and limits his or her practice to secondary schools, institutions of postsecondary education, professional athletic organizations, or a person who, under the supervision of a physician, carries out comparable functions on orthopedic athletic injuries, excluding spinal cord injuries, in a health care organization. Supervision of an athletic trainer by a physician shall be continuous but shall not be construed as requiring the physical presence of the supervising physician at the time and place where such services are performed.~~]

1. Definition. The practice of the profession of athletic

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 training is performed by licensed athletic trainers who are health care  
2 providers, and is defined as:

3 (a) The prevention, recognition, examination, evaluation, assessment,  
4 management, treatment and rehabilitation of athletic injuries that occur  
5 in active individuals. Athletic training involves the recognition,  
6 evaluation, and assistance in the management of sport-related illnesses  
7 and medical conditions in active individuals, pursuant to the athletic  
8 trainer's education, experience, and competencies.

9 (b) The work of athletic training is performed under the supervision  
10 of a physician pursuant to a standard written protocol for athletic  
11 training services. Supervision by a physician shall be continuous but  
12 shall not be construed as requiring the physical presence of the super-  
13 vising physician at the time and place where such services are  
14 performed.

15 (c) The practice of athletic training may include use of various clin-  
16 ically appropriate therapeutic modalities and techniques. Such clin-  
17 ically appropriate therapeutic modalities and techniques include the use  
18 of physical, chemical, and mechanical means including, use of heat,  
19 cold, light, air, water, sound, electricity, massage, and therapeutic  
20 exercise. Such clinically appropriate therapeutic modalities may include  
21 appropriate preventative and supportive devices and/or temporary splint-  
22 ing or bracing. Such clinically appropriate therapeutic modalities  
23 include the evaluation and assessment to determine treatment, and to  
24 assist in the planning of rehabilitation for recovery and return to  
25 activity.

26 (d) The scope of work described [~~herein shall not be construed as~~  
27 ~~authorizing the reconditioning of neurologic injuries, conditions or~~  
28 ~~disease]~~ in this section shall not be construed as authorizing the  
29 management and treatment of acute, subacute, or chronic neurological  
30 pathologies and comorbidities or neurological disease processes with the  
31 exception of initial evaluation and triage of emergent neurological  
32 conditions such as potential concussions, spinal cord injuries or nerve  
33 injuries resulting from participation in an athletic endeavor. Once the  
34 individual has been cleared by a supervising physician, after sustaining  
35 such an injury, the athletic trainer shall work with the individual  
36 pursuant to standard written protocol to manage, monitor and treat such  
37 injuries for participation in rehabilitation for an athletic endeavor.

38 (e) Athletic training includes education and instruction to coaches,  
39 athletes, active individuals, parents, medical personnel and communities  
40 in the area of care and prevention of athletic injuries, sports-related  
41 illnesses and medical conditions.

## 42 2. Boundaries of professional practice.

43 (a) Any individual whose license or authority to practice derives from  
44 the provisions of this article shall be practicing beyond the boundaries  
45 of professional practice, if such individual provides services not  
46 authorized pursuant to the standard written protocol and such individual  
47 shall be prohibited from prescribing any medication or controlled  
48 substance or performing surgery, suturing, or any invasive procedures,  
49 in which human tissue is cut, altered, or otherwise pierced by mechan-  
50 ical or other means, including needles, except that nothing in this  
51 section shall be construed to prohibit the use of an epinephrine auto-  
52 injector device or glucometer pursuant to section three thousand-c of  
53 the public health law.

54 (b) The standard written protocol shall include explicit provisions  
55 for the resolution of any disagreement between the supervising physician  
56 and the athletic trainer. To the extent the standard written protocol

1 does not so provide, then the supervising physician's decision shall  
2 prevail.

3 § 2. Section 8352 of the education law, as amended by chapter 658 of  
4 the laws of 1993, is amended to read as follows:

5 § 8352. [~~Definition of practice of~~] Definitions related to athletic  
6 training. [~~The practice of the profession of athletic training is~~

7 ~~defined as the application of principles, methods and procedures for~~  
8 ~~managing athletic injuries, which shall include the preconditioning,~~  
9 ~~conditioning and reconditioning of an individual who has suffered an~~  
10 ~~athletic injury through the use of appropriate preventative and support-~~  
11 ~~ive devices, under the supervision of a physician and recognizing~~  
12 ~~illness and referring to the appropriate medical professional with~~  
13 ~~implementation of treatment pursuant to physician's orders. Athletic~~  
14 ~~training includes instruction to coaches, athletes, parents, medical~~  
15 ~~personnel and communities in the area of care and prevention of athletic~~  
16 ~~injuries.~~

17 ~~The scope of work described herein shall not be construed as authoriz-~~  
18 ~~ing the reconditioning of neurologic injuries, conditions or disease.]~~

19 As used in this article, the following terms shall have the following  
20 meanings:

21 1. "emergent" shall mean a serious, unexpected and often dangerous  
22 situation requiring immediate action.

23 2. "supervision" shall mean oversight by a physician and shall be  
24 continuous but shall not be construed as requiring the physical presence  
25 of the supervising physician at the time and place where such services  
26 are performed, and shall further include use of standard written proto-  
27 cols for athletic training services developed in consultation with the  
28 supervising physician.

29 3. "sport-related illnesses and medical conditions" shall mean any  
30 emergent disease, disorder, sickness or affliction that arises from or  
31 is an acute manifestation of an active individual's participation in an  
32 exercise, a sport, a game, or a recreational activity, or other emergent  
33 condition that may require immediate intervention by an athletic train-  
34 er, acting with the consent and under the direction of a physician.

35 4. "athletic endeavor" shall include training, adaptive athletics,  
36 physical activity, performing arts, public protection, and emergency  
37 services.

38 5. "standard written protocol" shall mean written protocols, recommen-  
39 dations, or guidelines to work with active individuals who require  
40 athletic training services and that: (a) are created in collaboration  
41 with the licensed athletic trainer and the supervising physician and are  
42 signed in agreement by the licensed athletic trainer and the supervising  
43 physician; (b) are followed by a licensed athletic trainer while  
44 performing athletic training with the consent of, and when not directly  
45 supervised onsite, by the supervising physician; (c) are annually  
46 reviewed and renewed by the supervising physician and licensed athletic  
47 trainer to ensure quality care; (d) require the availability of ongoing  
48 communication between the supervising physician and the licensed athlet-  
49 ic trainer; and (e) include a plan for emergency situations, appropriate  
50 treatment and rehabilitation for specific injuries or illnesses that  
51 result from athletic endeavors, and instructions for the treatment and  
52 management of spinal cord injuries.

53 6. "active individual" shall mean one who engages in activities that  
54 require a high degree of physical exertion, that involve training and  
55 where injury occurs during such training or athletic endeavor, including  
56 athletic individuals, performing artists and individuals involved in

1 public protection, emergency services, or individuals involved in adap-  
2 tive athletics.

3 7. "athletic injury" shall mean any injury sustained as a result of  
4 participation in an exercise, a sport, a game, a recreational activity  
5 or any other activity that requires a level of strength, flexibility or  
6 agility that is comparable agility required for an exercise, a sport, a  
7 game or a recreational activity.

8 § 3. Section 8353 of the education law, as added by chapter 798 of the  
9 laws of 1992, is amended to read as follows:

10 § 8353. Use of the title "[~~certified~~] licensed athletic trainer".  
11 Only a person [~~certified~~] licensed or otherwise authorized under this  
12 article shall practice athletic training or use the title "athletic  
13 trainer" or "[~~certified~~] licensed athletic trainer" or the abbreviation  
14 "AT" or "LAT" in connection with his or her name or with any trade name  
15 in the conduct of his or her profession.

16 § 4. Section 8354 of the education law, as added by chapter 798 of the  
17 laws of 1992, is amended to read as follows:

18 § 8354. State committee for athletic trainers. A state committee for  
19 athletic trainers shall be appointed by the board of regents, upon the  
20 recommendation of the commissioner and shall assist on matters of  
21 [~~certification~~] professional licensing, professional practice, and  
22 professional conduct in accordance with section six thousand five  
23 hundred eight of this title. The committee shall consist of [~~five~~] seven  
24 members [~~who~~], five of whom are athletic trainers [~~certified~~] licensed  
25 in this state, one physician who is licensed in the state of New York  
26 and certified by a physician specialty certification organization  
27 acceptable to the department in the specialties of orthopedic surgery,  
28 primary care, family practice, sports medicine, or neurology, and one  
29 public member that is a consumer of the profession. The committee shall  
30 assist the state board for medicine in athletic training matters. Nomi-  
31 nations and terms of office of the members of the state committee for  
32 athletic trainers shall conform to the corresponding provisions relating  
33 thereto for state boards under article one hundred thirty of title eight  
34 of this chapter. [~~Notwithstanding the foregoing, the members of the~~  
35 ~~first committee need not be certified prior to their appointment to the~~  
36 ~~committee.~~

37 § 5. Section 8355 of the education law, as added by chapter 798 of the  
38 laws of 1992, is amended to read as follows:

39 § 8355. Requirements and procedure for professional [~~certification~~]  
40 licensure. [~~For certification as a certified~~] To qualify for a license  
41 as an athletic trainer under this article, an applicant shall fulfill  
42 the following requirements:

- 43 1. Application: file an application with the department;
- 44 2. Education: have received an education including a bachelor's, its  
45 equivalent or higher degree in accordance with the commissioner's regu-  
46 lations, provided however, after December thirty-first, two thousand  
47 thirty, applicants shall have received a master's degree, its equivalent  
48 or higher in accordance with the commissioner's regulations;
- 49 3. Experience: have experience in accordance with the commissioner's  
50 regulations;
- 51 4. Examination: pass an examination in accordance with the commission-  
52 er's regulations;
- 53 5. Age: be at least twenty-one years of age; [~~and~~]
- 54 6. Fees: pay a fee for an initial [~~certificate~~] license of one hundred  
55 dollars to the department; and a fee of fifty dollars for each triennial  
56 registration period[~~✓~~]; and

1 7. Character: be of good moral character as determined by the depart-  
2 ment.

3 § 6. Section 8356 of the education law, as amended by chapter 658 of  
4 the laws of 1993, is amended to read as follows:

5 § 8356. [~~Special provisions. A person shall be certified without exam-~~  
6 ~~ination provided that, within three years from the effective date of~~  
7 ~~regulations implementing the provisions of this article, the individual~~

8 ~~1. files an application and pays the appropriate fees to the depart-~~  
9 ~~ment; and~~

10 ~~2. meets the requirements of subdivisions two and five of section~~  
11 ~~eight thousand three hundred fifty five of this article and who in addi-~~  
12 ~~tion:~~

13 ~~(a) has been actively engaged in the profession of athletic training~~  
14 ~~for a minimum of four years during the seven years immediately preceding~~  
15 ~~the effective date of this article; or~~

16 ~~(b) is certified by a United States certifying body acceptable to the~~  
17 ~~department.] Exempt persons. 1. Nothing contained in this article shall~~  
18 ~~prohibit:~~

19 (a) the practice of athletic training that is an integral part of a  
20 program of study by students enrolled in an athletic training program  
21 acceptable by the department or the substantial equivalent as determined  
22 by the department. Students enrolled in an athletic training program  
23 determined as acceptable by the department shall be identified as  
24 "athletic training students" and shall only practice athletic training  
25 under the direction and supervision of an athletic trainer currently  
26 licensed under this article. An athletic training student shall not hold  
27 himself or herself out as a licensed athletic trainer; or

28 (b) the practice of athletic training by any person who is appropri-  
29 ately authorized and in good standing to practice athletic training in  
30 another state from acting as an athletic trainer without a New York  
31 state license solely for the following purposes:

32 (1) clinical education, practice demonstrations or clinical research  
33 that is within the practice of athletic training in connection with a  
34 program of basic clinical education, graduate education, or post-gradu-  
35 ate education in an approved school of athletic training, or in a clin-  
36 ical facility, or a health care agency, or for the purposes of continu-  
37 ing education not to exceed a duration of thirty days in any calendar  
38 year, and any athletic trainer who is licensed in another state or coun-  
39 try, who is visiting an athletic training program, conducting clinical  
40 education or clinical research shall be under the supervision of an  
41 athletic trainer licensed in the state and such practice shall be limit-  
42 ed to such instruction or research; or

43 (2) assisting in the care of athletes in a discrete sanctioned athlet-  
44 ic event.

45 2. Any person practicing athletic training in this state pursuant to  
46 this subdivision shall be subject to personal and subject matter juris-  
47 isdiction and the disciplinary and regulatory authority of the board of  
48 regents as if he or she is a licensee and as if the exemption pursuant  
49 to this subdivision is a license. Such individuals shall consent to the  
50 appointment of the secretary of state or other public official accepta-  
51 ble to the department, in such athletic trainers' states of licensure as  
52 the athletic trainers' agents upon whom process may be served in any  
53 actions or proceedings by the department against such athletic trainers.  
54 Such individuals shall comply with the provisions of this article, the  
55 rules of the board of regents and the regulations of the commissioner



1 relating to professional misconduct, disciplinary proceedings and penal-  
2 ties for professional misconduct.

3 3. (a) Any athletic trainer who is licensed and in good standing in  
4 another state or territory, and who has a written agreement to provide  
5 athletic training services to athletes and team personnel of a United  
6 States sports team recognized by the United States Olympic and Paralym-  
7 pnic Committees or an out-of-state secondary school, an institution of  
8 postsecondary education, a professional or amateur athletic organization  
9 sports team, or a performing arts troupe, may provide athletic training  
10 services to such athletes and team personnel at a discrete sanctioned  
11 team sporting event or performance in this state as defined by the  
12 commissioner in regulations, provided such services are provided only to  
13 such athletes and team personnel at the discrete sanctioned team sport-  
14 ing event or performance. Any such athletic training services shall be  
15 provided only five days before through three days after each discrete  
16 sanctioned team sporting event or traveling performance.

17 (b) Any person practicing as an athletic trainer in this state pursu-  
18 ant to this subdivision shall be subject to the personal and subject  
19 matter jurisdiction and disciplinary and regulatory authority of the  
20 board of regents as if he or she is a licensee and as if the exemption  
21 pursuant to this subdivision is a license. Such individual shall comply  
22 with applicable provisions of the rules of the board of regents, and the  
23 regulations of the commissioner, relating to professional misconduct,  
24 disciplinary proceedings and penalties for professional misconduct.

25 4. This article shall not be construed to prohibit qualified members  
26 of other licensed or legally recognized professions from performing work  
27 incidental to the practice of their profession, except that such persons  
28 may not hold themselves out under the title athletic trainer or as  
29 performing athletic training.

30 § 7. The education law is amended by adding two new sections 8356-a  
31 and 8356-b to read as follows:

32 § 8356-a. Mandatory continuing education. 1. (a) Each licensed athlet-  
33 ic trainer required under this article to register triennially with the  
34 department to practice in the state shall comply with the provisions of  
35 the mandatory continuing education requirements prescribed in subdivi-  
36 sion two of this section except as set forth in paragraphs (b) and (c)  
37 of this subdivision. Licensed athletic trainers who do not satisfy the  
38 mandatory continuing education requirements shall not practice until  
39 they have met such requirements, and they have been issued a registra-  
40 tion certificate, except that a licensed athletic trainer may practice  
41 without having met such requirements if he or she is issued a condi-  
42 tional registration certificate pursuant to subdivision three of this  
43 section.

44 (b) Each licensed athletic trainer shall be exempt from the mandatory  
45 continuing education requirement for the triennial registration period  
46 during which he or she is first licensed. In accordance with the intent  
47 of this section, adjustment to the mandatory continuing education  
48 requirement may be granted by the department for reasons of health  
49 certified by an appropriate health care professional, for extended  
50 active duty with the armed forces of the United States, or for other  
51 good cause acceptable to the department which may prevent compliance.

52 (c) A licensed athletic trainer not engaged in practice, as determined  
53 by the department, shall be exempt from the mandatory continuing educa-  
54 tion requirement upon the filing of a statement with the department  
55 declaring such status. Any licensee who returns to the practice of  
56 athletic training during the triennial registration period shall notify

1 the department prior to reentering the profession and shall meet such  
2 mandatory education requirements as shall be prescribed by regulations  
3 of the commissioner.

4 2. During each triennial registration period, an applicant for regis-  
5 tration as a licensed athletic trainer shall complete a minimum of  
6 forty-five hours of acceptable formal continuing education, as specified  
7 in subdivision four of this section. Any licensed athletic trainer whose  
8 first registration date following the effective date of this section  
9 occurs less than three years from such effective date, but on or after  
10 January first, two thousand twenty-two, shall complete continuing educa-  
11 tion hours on a prorated basis at the rate of one hour per month for the  
12 period beginning January first, two thousand twenty-two and then fifteen  
13 hours per year until his or her first registration date thereafter. A  
14 licensee who has not satisfied the mandatory continuing education  
15 requirements shall not be issued a triennial registration certificate by  
16 the department and shall not practice unless and until a conditional  
17 registration certificate is issued as provided for in subdivision three  
18 of this section. Continuing education hours taken during one triennium  
19 shall not be transferred to a subsequent triennium.

20 3. The department, in its discretion, may issue a conditional regis-  
21 tration to a licensee who fails to meet the continuing education  
22 requirements established in subdivision two of this section but who  
23 agrees to make up any deficiencies and complete any additional education  
24 which the department may require. The fee for such a conditional regis-  
25 tration shall be the same as, and in addition to, the fee for the trien-  
26 niel registration. The duration of such conditional registration shall  
27 be determined by the department but shall not exceed one year. Any  
28 licensee who is notified of the denial of registration for failure to  
29 submit evidence, satisfactory to the department, of required continuing  
30 education and who practices without such registration may be subject to  
31 disciplinary proceedings pursuant to section sixty-five hundred ten of  
32 this title.

33 4. For purposes of this section:

34 (a) "acceptable learning activities" shall include, but not be limited  
35 to, formal courses of learning which contribute to professional practice  
36 in athletic training and/or self-study activities; independent study;  
37 formal mentoring activities; publication in professional journals; or  
38 lectures, which meet the standards prescribed by regulations of the  
39 commissioner; and

40 (b) "formal courses of learning" shall include, but not be limited to,  
41 collegiate level credit and non-credit courses, professional development  
42 programs and technical sessions offered by national, state and local  
43 professional associations and any other organizations acceptable to the  
44 department, and any other organized educational and technical programs  
45 acceptable to the department. Formal courses shall be taken from a  
46 sponsor approved by the department, based upon an application and fee,  
47 pursuant to the regulations of the commissioner.

48 5. The department may, in its discretion and as needed to contribute  
49 to the health and welfare of the public, require the completion of  
50 continuing education credits in specific subjects to fulfill the manda-  
51 tory continuing education requirement under this section.

52 6. A licensed athletic trainer shall maintain adequate documentation  
53 of completion of acceptable formal continuing education and shall  
54 provide such documentation at the request of the department. Failure to  
55 provide such documentation upon the request of the department shall be

an act of misconduct subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.

7. The mandatory continuing education fee shall be payable on or before the first day of each triennial registration period, and shall be paid in addition to the triennial registration fee required by section eighty-three hundred fifty-five of this article.

§ 8356-b. Special provisions. Any person who is certified as an athletic trainer by the department on the effective date of this section shall have one year from the effective date to apply for and qualify for licensure as an athletic trainer without meeting any additional requirements.

§ 8. Section 8357 of the education law, as added by chapter 798 of the laws of 1992, is amended to read as follows:

§ 8357. Non-liability of [~~certified~~] licensed athletic trainers for first aid or emergency treatment. Notwithstanding any inconsistent provision of any general, special or local law, any [~~certified~~] licensed athletic trainer who voluntarily and without the expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or other emergency, outside a hospital, doctor's office or any other place having proper and necessary athletic training equipment, to a person who is unconscious, ill or injured, shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid or emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such athletic trainer. Nothing in this section shall be deemed or construed to relieve a [~~certified~~] licensed athletic trainer from liability for damages for injuries or death caused by an act or omission on the part of an athletic trainer while rendering professional services in the normal and ordinary course of his or her practice.

§ 9. Section 8358 of the education law is renumbered section 8359 and a new section 8358 is added to read as follows:

§ 8358. Limited permits. The following requirements for a limited permit shall apply to all professions licensed or certified pursuant to this article:

1. The department may issue a limited permit to an applicant who meets all qualifications for licensure, except the examination, in accordance with regulations promulgated therefor.

2. Limited permits shall be for one year; the department may for justifiable cause renew a limited permit, provided that no applicant shall practice under any limited permit for more than a total of two years.

3. The fee for each limited permit and for each renewal shall be seventy dollars.

4. A limited permit holder shall practice only under the supervision of a physician as determined in accordance with the commissioner's regulations.

§ 10. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 672 of the laws of 2019, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially,



1 or for the renewal of, a license, registration or limited permit to be a  
2 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
3 trist, psychiatrist, psychologist, licensed master social worker,  
4 licensed clinical social worker, licensed creative arts therapist,  
5 licensed marriage and family therapist, licensed mental health counse-  
6 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
7 analyst, [✗] certified behavior analyst assistant, or athletic trainer  
8 shall, in addition to all the other licensure, certification or permit  
9 requirements, have completed two hours of coursework or training regard-  
10 ing the identification and reporting of child abuse and maltreatment.  
11 The coursework or training shall be obtained from an institution or  
12 provider which has been approved by the department to provide such  
13 coursework or training. The coursework or training shall include infor-  
14 mation regarding the physical and behavioral indicators of child abuse  
15 and maltreatment and the statutory reporting requirements set out in  
16 sections four hundred thirteen through four hundred twenty of the social  
17 services law, including but not limited to, when and how a report must  
18 be made, what other actions the reporter is mandated or authorized to  
19 take, the legal protections afforded reporters, and the consequences for  
20 failing to report. Such coursework or training may also include informa-  
21 tion regarding the physical and behavioral indicators of the abuse of  
22 individuals with mental retardation and other developmental disabilities  
23 and voluntary reporting of abused or neglected adults to the office for  
24 people with developmental disabilities or the local adult protective  
25 services unit. Each applicant shall provide the department with documen-  
26 tation showing that he or she has completed the required training. The  
27 department shall provide an exemption from the child abuse and maltreat-  
28 ment training requirements to any applicant who requests such an  
29 exemption and who shows, to the department's satisfaction, that there  
30 would be no need because of the nature of his or her practice for him or  
31 her to complete such training;

32 § 11. Section 6505-b of the education law, as amended by chapter 10 of  
33 the laws of 2018, is amended to read as follows:

34 § 6505-b. Course work or training in infection control practices.  
35 Every dentist, registered nurse, licensed practical nurse, podiatrist,  
36 optometrist, athletic trainer and dental hygienist practicing in the  
37 state shall, on or before July first, nineteen hundred ninety-four and  
38 every four years thereafter, complete course work or training appropri-  
39 ate to the professional's practice approved by the department regarding  
40 infection control, which shall include sepsis, and barrier precautions,  
41 including engineering and work practice controls, in accordance with  
42 regulatory standards promulgated by the department, in consultation with  
43 the department of health, which shall be consistent, as far as appropri-  
44 ate, with such standards adopted by the department of health pursuant to  
45 section two hundred thirty-nine of the public health law to prevent the  
46 transmission of HIV, HBV, HCV and infections that could lead to sepsis  
47 in the course of professional practice. Each such professional shall  
48 document to the department at the time of registration commencing with  
49 the first registration after July first, nineteen hundred ninety-four  
50 that the professional has completed course work or training in accord-  
51 ance with this section, provided, however that a professional subject to  
52 the provisions of paragraph (f) of subdivision one of section twenty-  
53 eight hundred five-k of the public health law shall not be required to  
54 so document. The department shall provide an exemption from this  
55 requirement to anyone who requests such an exemption and who (i) clearly  
56 demonstrates to the department's satisfaction that there would be no

1 need for him or her to complete such course work or training because of  
2 the nature of his or her practice or (ii) that he or she has completed  
3 course work or training deemed by the department to be equivalent to the  
4 course work or training approved by the department pursuant to this  
5 section. The department shall consult with organizations representative  
6 of professions, institutions and those with expertise in infection  
7 control and HIV, HBV, HCV and infections that could lead to sepsis with  
8 respect to the regulatory standards promulgated pursuant to this  
9 section.

10 § 12. Paragraph (a) of subdivision 1 of section 413 of the social  
11 services law, as amended by section 7 of part C of chapter 57 of the  
12 laws of 2018, is amended to read as follows:

13 (a) The following persons and officials are required to report or  
14 cause a report to be made in accordance with this title when they have  
15 reasonable cause to suspect that a child coming before them in their  
16 professional or official capacity is an abused or maltreated child, or  
17 when they have reasonable cause to suspect that a child is an abused or  
18 maltreated child where the parent, guardian, custodian or other person  
19 legally responsible for such child comes before them in their profes-  
20 sional or official capacity and states from personal knowledge facts,  
21 conditions or circumstances which, if correct, would render the child an  
22 abused or maltreated child: any physician; registered physician assist-  
23 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
24 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
25 athletic trainer; psychologist; registered nurse; social worker; emer-  
26 gency medical technician; licensed creative arts therapist; licensed  
27 marriage and family therapist; licensed mental health counselor;  
28 licensed psychoanalyst; licensed behavior analyst; certified behavior  
29 analyst assistant; hospital personnel engaged in the admission, examina-  
30 tion, care or treatment of persons; a Christian Science practitioner;  
31 school official, which includes but is not limited to school teacher,  
32 school guidance counselor, school psychologist, school social worker,  
33 school nurse, school administrator or other school personnel required to  
34 hold a teaching or administrative license or certificate; full or part-  
35 time compensated school employee required to hold a temporary coaching  
36 license or professional coaching certificate; social services worker;  
37 employee of a publicly-funded emergency shelter for families with chil-  
38 dren; director of a children's overnight camp, summer day camp or trav-  
39 eling summer day camp, as such camps are defined in section thirteen  
40 hundred ninety-two of the public health law; day care center worker;  
41 school-age child care worker; provider of family or group family day  
42 care; employee or volunteer in a residential care facility for children  
43 that is licensed, certified or operated by the office of children and  
44 family services; or any other child care or foster care worker; mental  
45 health professional; substance abuse counselor; alcoholism counselor;  
46 all persons credentialed by the office of alcoholism and substance abuse  
47 services; employees, who are expected to have regular and substantial  
48 contact with children, of a health home or health home care management  
49 agency contracting with a health home as designated by the department of  
50 health and authorized under section three hundred sixty-five-1 of this  
51 chapter or such employees who provide home and community based services  
52 under a demonstration program pursuant to section eleven hundred fifteen  
53 of the federal social security act who are expected to have regular and  
54 substantial contact with children; peace officer; police officer;  
55 district attorney or assistant district attorney; investigator employed  
56 in the office of a district attorney; or other law enforcement official.

1     § 13. This act shall take effect two years after it shall have become  
2 a law, provided, however, that section 8356-a of the education law as  
3 added by section seven of this act shall take effect five years after  
4 this act shall have become a law. Effective immediately, the addition,  
5 amendment and/or repeal of any rule or regulation necessary for the  
6 implementation of this act on its effective date are authorized to be  
7 made and completed on or before such date.